

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

2016 NOV - 1 AM 9:55

CLERK SUPERIOR COURT
SAN DIEGO COUNTY

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

FARZAD YAGHOUTI, M.D., an individual; GLOBAL LASER VISION, a business entity; and DOES 1 through 10, Inclusive

YOU ARE BEING SUED BY PLAINTIFF
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ASHLI BRYANT

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Diego Superior Court
330 West Broadway
San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2016-00038327-CU-MM-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

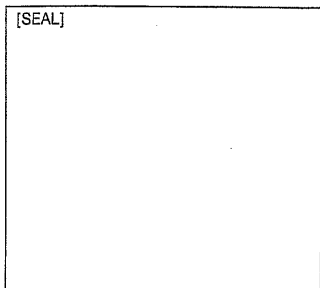
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Steven C. Vosseller (858) 429-4062
Law Office of Steven C. Vosseller
701 B Street, Suite 1700 San Diego, CA 92101

DATE:
(Fecha) **NOV 01 2016**

Clerk, by J. Jones, Deputy
(Secretario) _____ (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

1 Steven C. Vosseller (SBN 211265)
Law Office of Steven C. Vosseller
2 701 B Street, Suite 1700
San Diego, CA 92101
3 Telephone: (858) 429-4062
Facsimile: (858) 430-2732
4

Todd J. Krouner (New York No. 1980325)
5 Law Office of Todd J. Krouner
93 North Greeley Avenue
6 Chappaqua, New York 10514
Telephone: (914) 238-5800
7 Facsimile:
(*Pro Hac Vice* Application Pending)

8 Attorneys for Plaintiff Ashli Bryant
9

2016 NOV - 1 AM 9:54
SAN DIEGO COUNTY, CA

10
11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**
13

14 ASHLI BRYANT,

15 Plaintiff,

16 v.

17 FARZAD YAGHOUDI, M.D., an individual;
GLOBAL LASER VISION, a business
18 entity; and DOES 1 Through 10, Inclusive;

19 Defendants.
20
21

Case No. 37-2016-00038327-CU-MM-CTL

**COMPLAINT FOR MEDICAL
NEGLIGENCE**

22
23 Plaintiff Ashli Bryant alleges the following against Defendants Farzad Yaghouti, M.D.; Global
24 Laser Vision; and DOES 1 through 10, Inclusive. All allegations are based upon Plaintiff's information
25 and belief.

26 **JURISDICTION AND PARTIES**

27 1. The acts and omissions alleged in this complaint occurred within the County of San
28 Diego, State of California.

1 2. Plaintiff Ashli Bryant is an adult and resides in San Diego, California.

2 3. Defendant Farzad Yaghouti, M.D. is a board certified ophthalmologist and is licensed to
3 practice medicine in the State of California.

4 4. Defendant Global Laser Vision is business entity of unknown form. Plaintiff is
5 informed and believes, and based thereon alleges, that Defendant Global Laser Vision is a health care
6 facility operating in San Diego, California.

7 5. Plaintiff is informed and believes, and based thereon alleges that Defendant Dr.
8 Yaghouti is an owner, or the sole owner, of Defendant Global Laser Vision.

9 6. At all times herein mentioned, Defendant Dr. Yaghouti was the *alter ego* of Defendant
10 Global Laser Vision.

11 7. At all times herein mentioned, there was such unity of interest and ownership that the
12 separate personalities of Defendant Dr. Yaghouti and Defendant Global Laser Vision Management no
13 longer exist.

14 8. Defendant Global Laser Vision Management is a mere shell, instrumentality or conduit
15 for the business of Defendant Dr. Yaghouti.

16 9. Plaintiff does not know the true names and capacities of Defendants sued as Does 1
17 through 10, Inclusive, and, in accordance with California Code of Civil Procedure Section 474,
18 therefore sues these Defendants by the fictitious names of Does 1 through 10, Inclusive. Wherever in
19 this complaint it refers to "Defendants", such reference shall mean and include each expressly named
20 Defendant and all Doe Defendants. Plaintiff will seek leave to amend this complaint to set forth the
21 true names and capacities of the fictitiously-named Defendants when their true identities and capacities
22 become known to Plaintiff.

23 10. Plaintiff is informed and believes, and based thereon alleges, that Does 1 through 10,
24 Inclusive, are responsible in some manner –either by act or omission, strict liability, fraud, negligence
25 or otherwise– for the events and happenings alleged in this complaint and thus caused harm to
26 Plaintiff.

27 11. Plaintiff is informed and believes, and based thereon alleges, that at all relevant times
28 each Defendant –including Does 1 through 10, Inclusive– was the agent, servant, representative,

1 partner or employee of each of the co-Defendants, and, in doing the things alleged in this complaint,
2 was acting within the course and scope of their authority as such agents, servants, representatives,
3 partners or employees of each of their co-Defendants

4 FACTUAL ALLEGATIONS

5 12. Dr. Yaghouti maintains an office for the practice of medicine at 6950 Friars Road, Suite
6 100, San Diego, California 92108. According to his webpage, Defendant Dr. Yaghouti boasts that he
7 has performed more than 77,000 laser vision correction procedures and, “has been awarded as one of
8 the top 10 best San Diego Lasik surgeons.” In addition, he claims that he is a “leading corneal and
9 refractive surgery specialist who educat[es] eye surgeons from all over the world about the most recent
10 advances in refractive surgery.” See <http://www.globallaservision.com/doctors>. Defendant Dr.
11 Yaghouti performed elective LASIK eye surgery on both of Plaintiff’s eyes on or about November 13,
12 2015 (the “LASIK Surgery”).

13 13. According to its webpage, Defendant Global Laser Vision is engaged in the business of
14 providing “a comfortable, caring environment...to make Laser Eye Surgery safe, simple, affordable
15 and accessible.” The principal place of business of Defendant Global Laser Vision is 6950 Friars Road,
16 Suite 100, San Diego, California 92108.

17 14. At all times herein mentioned, Ms. Bryant was a patient, and under the care and
18 treatment, of Defendant Dr. Yaghouti, from or around May 10, 2012, through and including February
19 18, 2016.

20 15. On or about May 10, 2012, Ms. Bryant first presented to Defendant Dr. Yaghouti for a
21 consultation for elective LASIK eye surgery. Defendant Dr. Yaghouti told Ms. Bryant that she was a
22 suitable candidate for elective LASIK eye surgery in both eyes.

23 16. On or about October 15, 2015, Ms. Bryant presented to Defendant Dr. Yaghouti for a
24 second consultation for elective LASIK eye surgery. Defendant Dr. Yaghouti told Ms. Bryant, again,
25 that she was a suitable candidate for elective LASIK eye surgery in both eyes.

26 17. On or about November 13, 2015, Defendants Dr. Yaghouti, Global Laser Vision, and
27 DOES 1 through 10 performed the LASIK Surgery. Defendants used the Alcon WaveLight EX500
28 Laser System (the “Excimer Laser”) to perform the elective LASIK eye surgery for both of Ms.

1 Bryant's eyes. During the course of surgery on Ms. Bryant's right eye, the treatment was interrupted.
2 Instead of resuming the surgical treatment where it had been interrupted, Defendants caused or allowed
3 the Excimer Laser to reinitiate the treatment from the beginning of the treatment plan, causing
4 overtreatment of Ms. Bryant's right cornea, and irreparable damage to the vision in her right eye.

5 18. As required by California Code of Civil Procedure section 364, on approximately July
6 27, 2016, Ms. Bryant gave Defendants written notice of Ms. Bryant's intent commence this lawsuit

7 **FIRST CAUSE OF ACTION – MEDICAL NEGLIGENCE**

8 19. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs
9 1 through 18 as though fully stated in this cause of action.

10 20. Defendants departed from the standard of care in failing to use reasonable care to
11 prevent harm to Ms. Bryant in the performance of the surgery on Ms. Bryant's right eye. Defendants
12 were negligent and failed to exercise reasonable care to ascertain and determine that following the
13 interruption in treatment, the Excimer Laser did not resume treatment where it had left off, but rather
14 reinitiated treatment from the beginning.

15 21. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered severe,
16 serious, and permanent injuries to her person all to her general monetary damage.

17 22. As a direct and proximate result of Defendants' conduct, Plaintiff was compelled to and
18 did employ the services of hospitals, physicians, surgeons, nurses, and other health care providers to
19 care for and treat her, and did incur hospital medical, professional and incidental expenses, and
20 Plaintiff is informed and believes and thereon alleges that she will, by reason of her injuries, incur
21 additional expenses for an indefinite period of time in the future.

22 23. As a direct and proximate result of Defendants' conduct, Plaintiff has been prevented
23 from attending to her usual occupation, thereby sustaining a loss of income, the duration and extent of
24 which is yet undetermined, and Plaintiff is informed and believes and upon such information and belief
25 alleges that Plaintiff will be prevented from attending to her usual occupation for an indefinite period
26 of time in the future, and will incur an additional loss of income. Plaintiff has also sustained a loss of
27 earning capacity.

28 ///


1 **RELIEF SOUGHT**

2 Plaintiff Ashli Bryant seeks judgment against each Defendant as follows:

- 3 1. For special damages, including but not limited to, past and future medical expenses, loss
4 of income, and loss of earning capacity;
- 5 2. For general damages, including but not limited to, pain, suffering, and emotional
6 distress;
- 7 3. For any pre-judgment interest ordered by the Court;
- 8 4. For all litigation costs awarded by the Court; and
- 9 5. For all other relief that the Court deems proper.

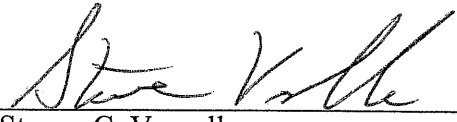
10
11 Dated: October 24, 2016

LAW OFFICE OF TODD J. KROUNER

12
13 
14 Todd J. Krouner
15 Attorney for Plaintiff Ashli Bryant

16 Dated: October 31, 2016

LAW OFFICE OF STEVEN C. VOSELLER

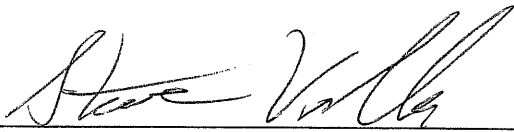
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18 
19 Steven C. Vosseller
20 Attorney for Plaintiff Ashli Bryant

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff hereby demands a trial by jury.

23
24 Dated: October 31, 2016

LAW OFFICE OF STEVEN C. VOSELLER

25
26 
27 Steven C. Vosseller
28 Attorney for Plaintiff Ashli Bryant

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven C. Vosseller (SBN 211265) Law Office of Steven C. Vosseller 701 B Street, Suite 1700 San Diego, CA 92101 TELEPHONE NO.: (858) 429-4062 FAX NO.: (858) 430-2732 ATTORNEY FOR (Name): Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice Branch

CASE NAME: ASHLI BRYANT v. FARZAD YAGHOUTI, M.D., et al.

CIVIL CASE COVER SHEET [X] Unlimited (Amount demanded exceeds \$25,000) [] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 37-2016-00038327-CU-MM-CTL JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case: Auto Tort, Contract, Provisionally Complex Civil Litigation, Other PI/PD/WD, Real Property, Enforcement of Judgment, Non-PI/PD/WD, Unlawful Detainer, Miscellaneous Civil Complaint, Employment, Judicial Review, Miscellaneous Civil Petition.

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Large number of separately represented parties, b. Extensive motion practice, c. Substantial amount of documentary evidence, d. Large number of witnesses, e. Coordination with related actions, f. Substantial postjudgment judicial supervision.

3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [] punitive
4. Number of causes of action (specify): One
5. This case [] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 31, 2016
Steven C. Vosseller

[Signature] (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
• File this cover sheet in addition to any cover sheet required by local court rule.
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.